



## *Report to the Auburn City Council*

Action Item
Agenda Item No. <b>14</b>
City Manager's Approval

**To:** Honorable Mayor and City Council Members  
**From:** Michael G. Colantuono, City Attorney  
**Date:** August 22, 2011  
**Subject:** Proposed Home Rule for Auburn Charter of 2012

### *The Issue*

What form of charter should the City Council place on the June 5, 2012 ballot for consideration by the City's voters?

### *Conclusions and Recommendations*

The August 22, 2011 draft of the charter attached to this report includes the changes requested by the City Council at its August 8<sup>th</sup> meeting and a number of minor edits, not intended to be substantive, that I suggest to refine the language of the charter. Also attached to this report is a resolution by which the Council may call a special election to be consolidated with the State Primary Election on June 5, 2012. I recommend that the Council discuss this latest draft, specify any further revisions, and adopt the attached resolution to place the charter before the voters.

### *Discussion*

The attached August 22, 2011 draft of the charter is presented in both a clean (or "blackline") and redline versions to highlight the changes over the August 2, 2011 draft. Many of those changes address typographical errors and matters of form and require no explanation. Others are fully explained by comments in the margin of the redline. This report addresses the more substantive issues and highlights a few issues for your consideration.

**Section 200** is restated to clarify that the charter not only labels the City's form of government the Council-Manager form, but also requires that form of government to be maintained.

**Section 201:** I have deleted the second sentence, regarding filling of Council vacancies, as the Council directed. I have also replaced references to specific state laws with a general reference to the law applicable to general law cities to allow for the possibility that state law may move these rules to new or different codes. (I have done this in several

places in the charter.) I added two sentences at the end. The first expressly states that Council vacancies will be filled consistently with the law applicable to general law cities and the second, which is not strictly required, makes plain that the Mayor and Mayor Pro Tem will continue to be selected by the Council. Finally, you may wish to consider authorizing the Mayor Pro Tem to use the title "Vice Mayor" if the more traditional, Latin title is considered antiquated or obscure.

**Section 202:** As the Council directed, I have replaced the reference to the current statute governing Council salaries with a more general reference to state law to ensure that state limits on Council compensation remain in force no matter how the Legislature may recodify or renumber those requirements in the future. I have consolidated the two sentences of the section simply to shorten the text.

**Section**

**204:** In your discussion of August 8<sup>th</sup>, you requested these changes regarding the compensation of the Clerk and Treasurer and the impact of the Charter on the current holders of those offices.

**Section 300:** The additional language is added, as discussed at your August 8<sup>th</sup> meeting, to account for the possibility that the Internet as we now know it may change during the life of this charter such that it is no longer the best way to allow residents and business owners free and convenient access to the City's financial information.

**Section 302:** No change is made to this section. At your August 8<sup>th</sup> meeting, however, you asked that I confirm that the charter will not prevent the City from pre-qualifying bidders on public works projects or using other devices now available to ensure the City gets quality work at competitive prices. The current language of the charter allows that, so no change is required.

**Section 303:** These changes are intended only to clarify the existing provision regarding prevailing wages. No substantive change is intended.

**Section 304:** The changes to this section are mostly matters of form. However, I have substituted "distance of the City" for "specified radius of the City center" because there may be no accepted definition of "the City center" and the new language gives the Council slightly more flexibility to draft a local preference program.

**Section 306:** The added language, requested by the Council on August 8<sup>th</sup>, subjects the charter City of Auburn to procedural limits on the taxing and fee-setting powers of general law cities; the previous language applied only the substantive limits on those powers.

**Section 501** is added as the Council requested on August 8<sup>th</sup>.

**Section 603:** I have added the introductory phrase just to make clear that state law controls the amendment of a charter.

I have added signature blocks at the end of the charter by which the Mayor and Clerk in office next June can certify the voters' adoption of the charter, should they adopt it, so this charter can be filed with the County Recorder and Secretary of State as required by state law.

**Resolution Calling Special Election.** This resolution is almost entirely boilerplate. The one provision that is not is Section 3, which states the "ballot label," which is the question printed on ballots and the last thing a voter reviews before deciding whether to vote "yes" or "no." It cannot be longer than 75 words and should not amount to an argument for or against the charter. The form of question proposed here is simply my initial suggestion to facilitate your discussion. How to frame the question is a matter for the City Council to determine.

**Recommendations and Conclusion**

This staff report is intended to facilitate Council discussion of these provisions of the draft charter. Accordingly, I recommend you:

1. Direct staff regarding any amendments to the August 22, 2011 draft charter you desire.
2. Waive full reading and adopt the attached Resolution to call a special election on June 5, 2012 in the City to consider the charter and to request the County Registrar of Voters to conduct that election after consolidating it with the State Primary Election.

I will be in attendance at your August 22<sup>nd</sup> meeting and can assist that discussion as you wish. If I can provide further advice or assistance in the meantime, please let me know.

Attachments: Resolution Calling Special Election on Charter  
August 22, 2011 Draft Charter (blackline)  
August 22, 2011 Draft Charter (redline)

## **RESOLUTION NO. 11-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATE PRIMARY ELECTION, AND REQUESTING SERVICES FROM THE PLACER COUNTY CLERK WITH RESPECT TO THAT ELECTION**

**WHEREAS**, the City Council has proposed that the voters of the City consider adoption of the Home Rule for Auburn Charter of 2012; and

**WHEREAS**, the City Council has determined it appropriate to call a special municipal election of the City of Auburn to consider that proposal on June 5, 2012; and

**WHEREAS**, the interests of efficiency call for the consolidation of that election with the state primary election to be held that same date; and

**WHEREAS**, the City Council requests services from the Placer County Clerk for the conduct of that election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines that each of the findings set forth above is true and correct.

**SECTION 2.** Pursuant to the California Elections Code, there is hereby called and ordered to be held in the City of Auburn, California, on Tuesday, June 5, 2012, a special municipal election.

**SECTION 3.** Pursuant to California Elections Code Section 9222, the City Council hereby orders the following question to be submitted to the voters at the June 5, 2012 Special Municipal Election:

Shall the Home Rule for Auburn Charter of 2012 be adopted?

**SECTION 4.** The City Council hereby declares its intent to consolidate this special election with the Statewide Primary Election to be held on June 5, 2012. This resolution shall constitute the request for consolidation required by Elections Code Section 10403 and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Placer County Board of Supervisors not later than 88 days prior to June 5, 2012.

**SECTION 5.** That the ballots to be used at the special election shall be in form and content as required by law.

**SECTION 6.** Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the special election, in time, form and manner as required by law.

**SECTION 7.** That in all particulars not recited in this resolution, the special election shall be held and conducted as provided by law.

**SECTION 8.** The City Clerk is hereby authorized, instructed and directed to procure and furnish (or cause to be procured and furnished) any and all official ballot notices, printed matter and all other supplies, equipment and paraphernalia that may be necessary to prepare and lawfully conduct the special election.

**SECTION 9.** The City Clerk is hereby authorized to utilize the services of the Placer County Clerk for the conduct of the special election. The City of Auburn hereby agrees to pay the costs of those services as outlined by current policy of the Placer County Elections Division.

**SECTION 10.** The City Clerk is authorized to canvass the returns of the Special Election and to certify the same to City Council at the time and in the manner provided by law.

**SECTION 11.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of August 2011.

---

William Kirby, M.D., Mayor

ATTEST:

---

Joseph G. R. Labrie, City Clerk

I, Joseph G.R. Labrie, City Clerk of the City of Auburn hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on August 22, 2011, by the following vote on roll call:

Ayes:

Noes:

Absent:

Abstain:

---

Joseph G.R. Labrie, City Clerk

# **CHARTER OF THE CITY OF AUBURN**

## **PREAMBLE**

**WE THE PEOPLE** of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home rule. Sincerely committed to the belief that local government has the closest affinity to the people, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to adopt this Charter for the City of Auburn.

## **CHARTER Article I Municipal Affairs**

### **Section 100. Municipal Affairs**

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is uniquely to the benefit of the citizens of the City of Auburn.

### **Section 101. Powers**

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

### **Section 102. Incorporation and Succession**

The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it when this Charter takes effect. It shall be subject to all debts, obligations and liabilities which exist against the City when this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

## **Article 2**

### **Form of Government**

#### **Section 200. Form of Government**

The City shall be governed under this Charter by a "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

#### **Section 201. Elected Officials**

The City Council shall consist of five members, each elected at-large and who shall be the sole elected officials of the City. The minimum qualifications for a Council Member shall be as provided by law for Council Members of general law cities and any vacancy in the office of a Council Member shall be filled in the manner provided by that law. The Council shall choose from among their own number a Mayor and a Mayor pro tempore, who may also use the title Vice Mayor.

#### **Section 202. Council Member Compensation**

The salary of the Mayor and Council Members shall continue to be set pursuant to the law applicable to general law cities provided, however, that neither the Mayor nor any Council Member may receive a pension or unemployment insurance.

#### **Section 203. Elections**

The election of the City Council shall be conducted in accordance with the law applicable to general law cities. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

#### **Section 204. City Clerk and City Treasurer**

The qualifications for the City Clerk and City Treasurer shall be established by ordinance of the City Council. The City Clerk and City Treasurer in office when this charter takes effect shall serve out of their terms, but their successors shall take office as provided by ordinance.

## **Article 3**

### **Fiscal Accountability and Transparency**

#### **Section 300. Performance-Based Management and Budget**

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website, or otherwise make available to residents and business owners free and convenient access to current budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.



**Section 301. Economic and Community Development**

The City shall encourage, support, and promote economic and community development and preserve and enhance the small-town character of Auburn.

**Section 302. Public Works Contracts**

The City shall comply with law applicable to general law cities with regard to competitive bidding for public works contracts and contracts for professional services based on demonstrated competence and professional qualifications.

**Section 303. Prevailing Wage**

No City contract shall require payment of the prevailing wage schedule unless:

- (i) the prevailing wage is legally required, and constitutionally permitted to be imposed;
- (ii) required by federal or state grants pursuant to federal or state law;
- (iii) the City Council does not consider the project to be a municipal affair; or
- (iv) payment of the prevailing wage schedule is authorized by resolution of the City Council.

Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates established by the State of California.

**Section 304. The Think-Local-First Option**

To the extent permitted by state and federal law, the City may establish by ordinance specified and limited bid advantages for firms based within a specified distance of the City. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support Auburn's economy and provide air and water quality benefits for local citizens. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

**Section 305. Supporting Volunteers in Auburn**

The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with city revenues or not.

**Section 306. Limitation on Taxing Authority**

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general law cities nor to exempt the City from any procedures for raising the level of taxes or fees or for creating new taxes or fees required by the law applicable to general law cities.

## **Article 4**

### **Revenue Retention**

#### **Section 400. Reductions Prohibited**

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

#### **Section 401. Mandates Limited**

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by the mandating authority.

## **Article 5**

### **General Laws**

#### **Section 500. General Law Powers**

In addition to the power and authority granted by this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between this Charter and the general laws of the State of California, this Charter shall control.

#### **Section 501. General Plan and Zoning Consistency**

The zoning ordinance of the City shall be consistent with the City's general plan as required by the law applicable to general law cities.

## **Article 6**

### **Interpretation and Amendment**

#### **Section 600. Construction & Interpretation**

The language of this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

#### **Section 601. Title**

This Act shall be known as the "Home Rule for Auburn Charter of 2012."

**Section 602. Severability**

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**Section 603. Amendment to Charter, revised or repealed**

As provided by state law, this Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.

I hereby affirm that the foregoing Home Rule for Auburn Charter of 2012 was submitted to a vote of, and ratified by, a majority of the voters of the City of Auburn in a special election held for that purpose on June 5, 2012.

---

Mayor

ATTEST:

---

City Clerk

## CHARTER OF THE CITY OF AUBURN

### PREAMBLE

WE THE PEOPLE of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home rule. Sincerely committed to the belief that local government has the closest affinity to the people, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to adopt this Charter for the City of Auburn.

Deleted: -

Deleted: governed

Deleted: enact and

### CHARTER Article I Municipal Affairs

#### Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is uniquely to the benefit of the citizens of the City of Auburn.

#### Section 101. Powers

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

#### Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it when this Charter takes effect. It shall be subject to all debts, obligations and liabilities which exist against the City when this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Deleted: at the time

Deleted: ,

Deleted: at the time

Deleted: at the time

Deleted: superceded

Deleted: 101766.2

## Article 2 Form of Government

### Section 200. Form of Government

The City shall be governed under this Charter by a "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

### Section 201. Elected Officials

The City Council shall consist of five members, each elected at-large and who shall be the sole elected officials of the City. The minimum qualifications for a Council Member shall be as provided by law for Council Members of general law cities and any vacancy in the office of a Council Member shall be filled in the manner provided by that law. The Council shall choose from among their own number a Mayor and a Mayor pro tempore, who may also use the title Vice Mayor.

### Section 202. Council Member Compensation

The salary of the Mayor and Council Members shall continue to be set pursuant to the law applicable to general law cities provided, however, that neither the Mayor nor any Council Member may receive a pension or unemployment insurance.

### Section 203. Elections

The election of the City Council shall be conducted in accordance with the law applicable to general law cities. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

### Section 204. City Clerk and City Treasurer

The qualifications for the City Clerk and City Treasurer shall be established by ordinance of the City Council. The City Clerk and City Treasurer in office when this charter takes effect shall serve out of their terms, but their successors shall take office as provided by ordinance.

## Article 3 Fiscal Accountability and Transparency

### Section 300. Performance-Based Management and Budget

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website, or otherwise make available to residents and business owners free and convenient access to current budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

Deleted: municipal government established by this Chapter shall be known as

Deleted: the

Comment [mgc1]: I think the intent of this provision is to require the Council-Manager form of government. If so, it is best to state that more plainly.

Deleted: in

Deleted: c

Deleted:

Deleted: The City Council shall enact an ordinance providing for the appointment or election of a Council Member in the case of a vacancy.

Deleted: the same

Deleted: that

Deleted: in the Election Code and Government Code

Comment [mgc2]: These changes reflect my understanding of Council direction on August 8.

Comment [mgc3]: Because reference is made to the Mayor in the next section, I think it useful to specify how the Mayor is to be selected and if doing so, it makes sense to reference the Mayor pro tem. Whether to allow the Vice Mayor title is entirely a policy matter. If you omit this last sentence, these issues will be controlled by ordinance.

Deleted: California Government Code where the formula considers city population and state law

Comment [mgc4]: The Council requested the broader reference to state limits on Council compensation in its August 8 discussion. I consolidated ... [1]

Deleted: . No

Deleted: shall

Deleted: state Election Code

Deleted: and compensation

Deleted: c

Deleted: c

Deleted: c

Deleted: t

Deleted: enacted

Comment [mgc5]: This is as: ... [2]

Deleted: by

Deleted: up-to-date

Comment [mgc6]: This is init: ... [3]

Deleted: 101766.2

### Section 301. Economic and Community Development

The City shall encourage, support, and promote economic and community development and preserve and enhance the small-town character of Auburn.

Deleted: development

Deleted:

### Section 302. Public Works Contracts

The City shall comply with law applicable to general law cities with regard to competitive bidding for public works contracts and contracts for professional services based on demonstrated competence and professional qualifications.

Deleted: state

Comment [mgc7]: The Council asked that I confirm that this language will allow the City the same options it now has to pre-qualify bidders. It will.

Deleted:

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 0" + Indent at: 1"

Deleted:

Deleted:

Deleted: or

Deleted: is not considered by the City Council

Deleted: of the City

Deleted:

Comment [mgc8]: These changes are intended only to make clear the existing intent. If I have changed the meaning of this provision, please let me know.

Deleted: published

Deleted:

Deleted:

Comment [mgc9]: This makes the standard slightly more flexible and an ordinance could use a radius from the city center or a distance from the City boundary, as the Council thinks best.

Deleted: T

Deleted:

Deleted:

Deleted: establish

Deleted: local

Deleted: that are

Deleted: radius

Deleted: c

Deleted: center, to the extent permitted by state and federal law

Deleted: -

Comment [mgc10]: This is intended to reflect Council discussion on August 8<sup>th</sup>.

Deleted: 101766.2

### Section 303. Prevailing Wage

No City contract shall require payment of the prevailing wage schedule unless:

- (i) the prevailing wage is legally required, and constitutionally permitted to be imposed;
- (ii) required by federal or state grants pursuant to federal or state law;
- (iii) the City Council does not consider the project to be a municipal affair; or
- (iv) payment of the prevailing wage schedule is authorized by resolution of the City Council.

Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates established by the State of California.

### Section 304. The Think-Local-First Option

To the extent permitted by state and federal law, the City may establish by ordinance, specified and limited bid advantages for firms based within a specified distance of the City. The City may enact such an ordinance in recognition of the fact that local firms and local employees help support Auburn's economy and provide air and water quality benefits for local citizens. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

### Section 305. Supporting Volunteers in Auburn

The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with city revenues or not.

### Section 306. Limitation on Taxing Authority

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general law cities nor to exempt the City from any procedures for raising the level of taxes or fees or for creating new taxes or fees required by the law applicable to general law cities.

## Article 4 Revenue Retention

Formatted: Keep with next, Keep lines together

### Section 400. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

### Section 401. Mandates Limited

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by the mandating authority.

Deleted: said

## Article 5 General Laws

### Section 500. General Law Powers

In addition to the power and authority granted by this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between this Charter and the general laws of the State of California, this Charter shall control.

Deleted: the terms of

Deleted: the provisions of

Deleted: provisions of the

Deleted: the provisions of

Formatted: Font: Bold

### Section 501. General Plan and Zoning Consistency

The zoning ordinance of the City shall be consistent with the City's general plan as required by the law applicable to general law cities.

Comment [mgc11]: I understand the Council discussion on August 8<sup>th</sup> to have directed this addition.

## Article 6 Interpretation and Amendment

### Section 600. Construction & Interpretation

The language of this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

Deleted: contained in

### Section 601. Title

This Act shall be known as the "Home Rule for Auburn Charter of 2012."

Deleted: 101766.2

101766.3

4

**Section 602. Severability**

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

Formatted: Keep with next, Keep lines together

**Section 603. Amendment to Charter, revised or repealed**

As provided by state law, this Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.

Deleted: T

Comment [mgc12]: Technically, state law controls these issues and the charter would have the same meaning even if this section were deleted. One reason to include it is for the benefit of the general public - it tells them what the law provides.

I hereby affirm that the foregoing Home Rule for Auburn Charter of 2012 was submitted to a vote of, and ratified by, a majority of the voters of the City of Auburn in a special election held for that purpose on June 5, 2012.

Formatted: Font: Not Bold

\_\_\_\_\_  
Mayor

Formatted: Indent: Left: 2.5"

ATTEST:

\_\_\_\_\_  
City Clerk

Formatted: Indent: Left: 2.5"

Formatted: Font: Not Bold

Deleted: 101766.2

101766.3

5



Page 2: [1] Comment [mgc4] Michael G. Colantuono 8/18/2011 9:38:00 AM

The Council requested the broader reference to state limits on Council compensation in its August 8<sup>th</sup> discussion. I consolidated the two sentences just to shorten the text,

Page 2: [2] Comment [mgc5] Michael G. Colantuono 8/17/2011 6:47:00 PM

This is as discussed by the Council on August 8<sup>th</sup> and allows to be set by either ordinance or resolution, as the Council wishes.

Page 2: [3] Comment [mgc6] Michael G. Colantuono 8/17/2011 6:47:00 PM

This is intended to account for the possibility that at some point during the life of this charter the Internet may no longer exist as we know it now.



# *Memorandum*

City of Auburn  
**CITY CLERK**

<b>To:</b>	City Council Members
<b>From:</b>	Amy Lind, Deputy/Assistant City Clerk
<b>Date:</b>	August 22, 2011
<b>Subject:</b>	Charter City Discussion

My contact information is listed on the City's website as the contact for any Charter City Draft questions and/or comments. Attached is the correspondence I have received since the last charter city discussion August 8th. I have received no phone calls. Notice was published in the Auburn Journal August 16th of the August 22nd discussion, encouraging any and all public input.

Amy M. Lind  
Deputy/Assistant City Clerk  
530-823-4211, Ext. #112  
[alind@auburn.ca.gov](mailto:alind@auburn.ca.gov)

**Amy Lind**

---

**From:** HORTENSE DAVIS [hihorti@sbcglobal.net]

**Sent:** Thursday, August 11, 2011 4:03 PM

**To:** Amy Lind

**Subject:** Auburn City Charter

Please move forward with whatever is necessary to put the "Home Rule for Auburn Charter of 2012" on the upcoming ballot, allowing the public to make this important decision. Thank you, Hortense Davis

(This page intentionally left blank)